

### **SUPPLEMENTAL EXAMINER'S AMENDMENT**

1. The previous Examiner's amendment mailed 07/29/2009 has been vacated. The following Examiner's amendment will replace all previous actions.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Gibson on 09/28/2009.

The application has been amended as follows: Applicant has requested rejoinder of method claims 29 and 34-43. Please see attached amended claim set.

3. The following is an examiner's statement of reasons for allowance: All previous rejections have been withdrawn in view of applicants' arguments in the reply filed 05/05/2009. Applicants provided evidence that a radioimmunoconjugate comprising an alpha-emitting radionuclide would not be effective in treating bladder cancer and therefore there would be no motivation to combine the references provided in the 103(a) rejection set forth in the office action mailed 03/05/2009. The species requirements for an "alpha emitting radionuclide" and "chelating agent" have been withdrawn. Claims 21-27 and 29-43 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

Art Unit: 1643

preferably accompany the issue fee. Such submissions should be clearly labeled

“Comments on Statement of Reasons for Allowance.”

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEERA NATARAJAN whose telephone number is (571)270-3058. The examiner can normally be reached on Monday-Thursday, 9:30AM-7:00PM, ALT. Friday. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

/Larry R. Helms/

Application/Control Number: 10/567,813

Page 4

Art Unit: 1643

Supervisory Patent Examiner, Art Unit 1643